

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-
1(b)

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Attorneys for Movant
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, as servicer for
MANUFACTURERS AND TRADERS TRUST
COMPANY, A/K/A M&T BANK, SUCCESSOR BY
MERGER WITH HUDSON CITY SAVINGS BANK
R.A. LEBRON, ESQ.
XCH838
bankruptcy@feinsuch.com

In Re:

DAWN A. FOERST and
RAYMOND FOERST

Debtor(s).



Order Filed on February 24, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-31228 MBK

Chapter: 13

Hearing Date: February 18,
2020

Judge: Honorable Michael B.
Kaplan

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: February 24, 2020

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, as servicer for MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY SAVINGS BANK
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtors' Counsel:	EUGENE D. ROTH
Property Involved (Collateral")	2226 6 TH AVENUE TOMS RIVER TOWNSHIP, NJ 08753

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtors are overdue for 4 months, from November, 2019 to February, 2020.
- ☒ The Debtors are overdue for 4 payments at \$1,453.28 per month with \$301.03 in suspense.
- ☐ The Debtors are assessed for N/A late charges at N/A per month.
- ☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$5,512.09.

2. Debtors must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$2,759.00. Payment shall be made no later than February 5, 2020.
- ☒ An additional immediate payment shall be made in the amount of \$2,753.09. Payment shall be made no later than February 29, 2020.

☒ Beginning on March 1, 2020, regular monthly mortgage payments shall continue to be made in the amount of \$1,453.28.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☐ The amount of \$N/A shall be capitalized in the Debtors' Chapter 13 plan. The Debtors' monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payments: JPMorgan Chase Bank, N.A.
Attn: Bankruptcy Department
3415 Vision Drive
OH4-7133
Columbus, OH 43219

☒ Regular monthly payments: JPMorgan Chase Bank, N.A.
Attn: Bankruptcy Department
3415 Vision Drive
OH4-7133
Columbus, OH 43219

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtors fail to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☒ Attorneys' fees are not awarded.

6. Upon dismissal, discharge, chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtors.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Dawn A. Foerst
Raymond Foerst
DebtorsCase No. 16-31228-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 26, 2020.

db/jdb +Dawn A. Foerst, Raymond Foerst, 2226 6th Avenue, Toms River, NJ 08753-6030

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 26, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 24, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Eugene D. Roth on behalf of Debtor Dawn A. Foerst erothesq@gmail.com
 Eugene D. Roth on behalf of Joint Debtor Raymond Foerst erothesq@gmail.com
 Jill Manzo on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, as servicer for
 MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY
 SAVINGS BANK bankruptcy@feinsuch.com
 Jill Manzo on behalf of Loss Mitigation JP Morgan Chase bankruptcy@feinsuch.com
 R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, as servicer for
 MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY
 SAVINGS BANK bankruptcy@feinsuch.com
 Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
 rsolarz@kmlawgroup.com

TOTAL: 9